

AUG 25 2006

MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PATRICK J. PALOMO,

Defendant.

CRIMINAL CASE NO. 88-00056

**REPORT & RECOMMENDATION
CONCERNING VIOLATIONS OF
SUPERVISED RELEASE CONDITIONS
IN A FELONY CASE**

On August 15, 2006, the United States Probation Office filed a Petition and supporting declaration alleging that the Defendant violated his conditions of supervised release. See Docket No. 84. Additionally, on August 18, 2006, the probation officer filed a Supplemental Declaration alleging further Grade C violations. See Docket No. 86. According to the Petition and Supplemental Declaration, the Defendant:

1. substituted a urine specimen during urinalysis testing;
2. failed to contact the probation officer as instructed;
3. failed to appear for urinalysis testing; and
4. admitted to the unauthorized use of a controlled substance.

On August 25, 2006, the Defendant appeared with counsel before the Court. The Defendant knowingly and voluntarily waived his right to evidentiary hearing and admitted to all the violations alleged. Based on the Defendant's admissions, I therefore find probable cause to believe that the Defendant violated his conditions of supervised release. The government, the

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1 Defendant, and the probation officer agreed that the appropriate sanction for the above
2 violations was to modify the Defendant's conditions of supervision to include a provision that
3 he shall serve four days of intermittent confinement, at the direction of the U.S. Probation
4 Office, the Bureau of Prisons, and the U.S. Marshals Service. Accordingly, I hereby
5 recommend that the District Judge modify the Defendant's conditions of supervised release as
6 agreed upon by the parties. This matter is referred to the District Judge for appropriate
7 disposition.

8 DATED this 25th day of August 2006.

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12 JOAQUIN V.E. MANIBUSAN, JR.
United States Magistrate Judge

13 **NOTICE**

14 **Failure to file written objections to this Report within ten (10) days from the**
15 **date of its service shall bar an aggrieved party from attacking such Report**
16 **before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).**
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